

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96- 9115

Appointment of a District Judge to Preside
in a State Bar Disciplinary Action

The Supreme Court of Texas hereby appoints the Honorable Jack Pierce, Judge of the 145th District Court of Nacogdoches County, Texas, to preside in the Disciplinary Action styled:

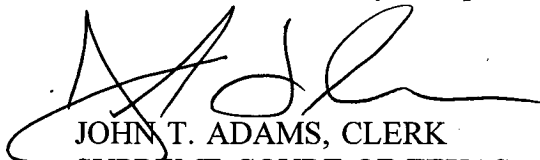
The Commission for Lawyer Discipline v. William D. Matthews, Jr.

to be filed in a District Court of Harris County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Harris County, Texas, a copy of this Order and of the Disciplinary Petition for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

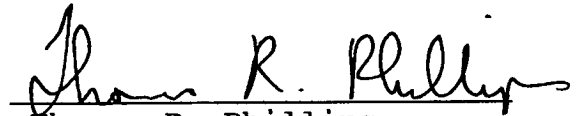
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 23rd day of April, 1996.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9115, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 24 day of April, 1996.

A handwritten signature in cursive script, reading "Thomas R. Phillips". The signature is written in dark ink and is positioned above a horizontal line.

Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
WILLIAM D. MATTHEWS, JR.	§	_____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complaining of Respondent, William D. Matthews, Jr. (hereinafter called "Respondent"), showing the Court:

I.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. §81.001, et seq. (Vernon 1988), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaint which forms the basis of the Disciplinary Petition was filed after May 1, 1992.

II.

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Harris County, Texas. An officer may serve citation on Respondent by and through his attorney of record, Tina K. Salem, 1740 Sunset Boulevard, Suite 4, Houston, Texas 77005.

FIRST CAUSE OF ACTION

III.

In or around April 1994, Respondent's law firm, Schmidt & Matthews, P.C., began

representing Lisa K. Walsh as a result of a referral from Jim S. Adler. Respondent assigned Eric Furey, an associate attorney in Respondent's law firm, to handle the Walsh matter.

IV.

On or about March 1, 1995, Furey's employment with Respondent's law firm was terminated. On or about April 3, 1995, Walsh signed a letter, which was then sent to Respondent, requesting Respondent's law firm immediately turn over to Furey all file materials relating to her case.

V.

On or about May 8, 1995, Respondent responded to Walsh's request by sending her a letter stating that: (1) Walsh had signed a power of attorney contract with Respondent's law firm; (2) Walsh would have to pay two sets of attorney's fees if her case was transferred to Furey; and (3) a copy of Walsh's file would be transmitted only after Respondent's firm had received a check from Furey to cover the copying costs.

VI.

This letter, dated May 8, 1995, and referred to in paragraph V, was sent by Respondent to Walsh despite the fact that Respondent had received a memo from his associate dated April 28, 1995, notifying him that Walsh's file did not contain a signed power of attorney hiring Respondent's law firm. Respondent sent Walsh this letter knowing it contained false information.

VII.

Rather than promptly surrendering Walsh's file, Respondent withheld it until Furey issued him a check on May 18, 1995, to cover the copying costs. Such delay resulted in Walsh and her attorney not receiving her file until the day before her deposition in the case was to be taken.

Additionally, after Respondent received a check from Furey for the copying costs, Respondent failed to provide Walsh with the originals of her file and instead gave her just a copy.

VIII.

Respondent's charging Walsh the cost of copying her file rather than copying the file at his own expense, and his failure to surrender the files until one day before Walsh's scheduled deposition in the matter, unreasonably increased the costs and burdens of the case.

IX.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III, IV, V, VI, VII and VIII hereinabove constitute conduct violative of Rules 1.15 (d), 3.02 and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

X.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Lisa K. Walsh filing a complaint on or about June 9, 1995.

SECOND CAUSE OF ACTION

XI.

In or around April 1994, Respondent's law firm, Schmidt & Matthews, P.C., began representing Michael A. Lunsford as a result of a referral from John Leach. Respondent assigned Eric Furey, an associate attorney in Respondent's law firm, to handle the Lunsford matter.

XII.

On or about March 1, 1995, Furey's employment with Respondent's law firm was terminated. On or about March 30, 1995, Lunsford signed a letter, which was then sent to

Respondent, requesting Respondent's law firm to immediately turn over all of his file materials to Furey.

XIII.

On or about May 8, 1995, Respondent responded to Lunsford's request by sending him a letter stating that: (1) Lunsford had signed a power of attorney contract with Respondent's law firm; (2) Lunsford would have to pay two sets of attorney's fees if his case was transferred to Furey; and (3) a copy of Lunsford's file would be transmitted only after Respondent's firm had received a check from Furey to cover the copying costs.

XIV.

This letter, dated May 8, 1995, and referred to in paragraph XIII, was sent by Respondent to Lunsford despite the fact that Respondent had received a memo from his associate dated April 28, 1995, notifying him that Lunsford's file did not contain a signed power of attorney hiring Respondent's law firm. Respondent sent Lunsford this letter knowing it contained false information.

XV.

Rather than promptly surrendering Lunsford's file, Respondent withheld it until Furey issued him a check on May 18, 1995, to cover the copying costs.

XVI.

Respondent's charging Lunsford the cost of copying his file rather than copying the file at his own expense, and his approximate two (2) month delay in surrendering the files unreasonably increased the costs and burdens of Lunsford's case.

XVII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs XI,

XII, XIII, XIV, XV AND XVI hereinabove constitute conduct violative of Rules 1.15 (d), 3.02 and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

XVIII.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Michael A. Lunsford filing a complaint on or about June 15, 1995.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant, and that Petitioner be awarded such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

James M. McCormack
General Counsel

Deena Brodsgaard
Assistant General Counsel

State Bar of Texas
Litigation - Dallas
5910 N. Central Expressway
Suite 920
Dallas, Texas 75206
(214) 368-0083
FAX (214) 368-6953



Deena Brodsgaard
State Bar Card No. 00790375

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel
Litigation - Dallas

March 11, 1996

John T. Adams, Clerk
Supreme Court of Texas
P.O. Box 12248
Austin, Texas 78711

RE: Commission for Lawyer Discipline v. William D. Matthews, Jr.

Dear Mr. Adams:

Enclosed please find an original and two (2) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against William D. Matthews, Jr. Mr. Matthews is a resident of Harris County, Texas. Request is hereby made that the Court appoint an active District Judge who does not reside in the Administrative Judicial Region in which Respondent resides to preside in this case. Upon appointment, request is made that you notify the Respondent through his attorney, Tina Salem, at the address shown below and the undersigned of the identity and address of the judge assigned:

**Tina Salem
1740 Sunset Boulevard, Suite 4
Houston, Texas 77005**

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure. If not, I would respectfully request that an alternate appointment be made.

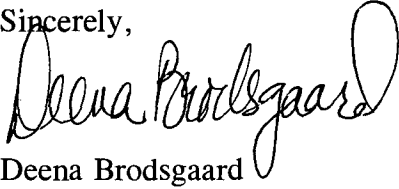
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Harris County, Texas, with the request that the suit be filed, service be obtained, and a file stamped copy of the petition be returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Harris County, Texas, and a return envelope to be sent to the District Clerk of Harris County, Texas, for the Clerk's use in returning a file stamped copy of the petition to the undersigned.

Premier Place, 5910 N. Central Expressway, Suite 920, Dallas, Texas 75206 (214)368-0083

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in black ink, reading "Deena Brodsgaard". The signature is written in a cursive style with a large, looping initial "D".

Deena Brodsgaard
Assistant General Counsel

DB/abm

Enclosures

TINA K. SALEM

ATTORNEY AT LAW

1740 Sunset Boulevard, Suite 4

Houston, Texas 77005

Telephone (713) 526-0587

Facsimile (713) 526-0580

March 29, 1996

John T. Adams, Clerk
Supreme Court of Texas
P.O. Box 12248
Austin, Texas 778711

**VIA FACSIMILE &
CMRRR**

Re: Commission for Lawyer Discipline - William D. Matthews, Jr.

Dear Mr. Adams:

Please be advised that I currently represent William Douglas Matthews, Jr. in the above-referenced matter.

Please address any correspondence, questions or requests to me at the above address and phone. If you have any questions, please do not hesitate to contact me.

Thank you for your courtesies in this matter.

Very Truly Yours,



Tina K. Salem

TKS/bgm

cc: Douglas Matthews



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

April 24, 1996

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77210

Dear Mr. Bacarisse:

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing State Bar of Texas Disciplinary Action styled: The Commission for Lawyer Discipline v. William D. Matthews, Jr. and a copy of the Supreme Court's order appointing the Honorable Jack Pierce, Judge of the 145th District Court, Nacogdoches, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Jack Pierce
Mr. William D. Matthews, Jr.
Mr. James M. McCormack



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 24, 1996

Honorable Jack Pierce
Judge, 145th District Court
101 W. Main Street
Nacogdoches, Texas 75961

Dear Judge Pierce:

We enclose for your information a copy of the order of assignment, a copy of the Disciplinary Action, a copy of the notification letter to Mr. Matthews and Mr. McCormack, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, six to eight weeks after receipt of this letter, you contact the Harris County District Court Administrative Office (713-755-7593) to find out the district court to which this disciplinary case has been assigned. We then recommend that, either before or immediately after you set the case for trial, you again contact the Harris County District Court Administrative Office (713-755-6593) to reserve a courtroom, provide for a court reporter, etc. Finally, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (713-471-3911) to obtain information on lodging, allowable expenses, and claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
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PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 24, 1996

Mr. James M. McCormack
General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Mr. William D. Matthews, Jr.
c/o Tina Salem
1740 Sunset Boulevard, Suite 4
Houston, Texas 77005

Dear Mr. McCormack and Mr. Matthews:

Pursuant to Rule 3.02 of the Texas Rules of Disciplinary Procedure, I hereby notify you that the Supreme Court of Texas has appointed the Honorable Jack Pierce, Judge of the 145th District Court, Nacogdoches, Texas to preside in

Commission for Lawyer Discipline v. William D. Matthews, Jr.

Sincerely,

SIGNED

John T. Adams
Clerk